IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Revision No.1390 of 2000
Date of Decision 18.11.2010

Jaswinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM:- HON'BLE MR. JUSTICE A.N.JINDAL

Present: Mr.Sandeep Punchhi, Advocate,
for the petitioner.

Mr.Amit Chaudhary, Asstt. Advocate General, Punjab,
for the respondent-State.

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A.N.JINDAL, J:

Forgery in the passport and embarkation card have dragged the accused-petitioner (herein referred as 'the accused') to face the prosecution. On trial, vide judgment dated 26.07.2003, passed by Sub Divisional Judicial Magistrate, Ajnala, he was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.300/- under Section 419 IPC and rigorous imprisonment for a period of one year and to pay a fine of Rs.200/- under Section 471 IPC. His appeal was also dismissed on 04.07.2005.

The factual matrix of the case is that the accused was found in possession of a British passport in the name of Kanwaljit Singh Jandu bearing No.036211542 dated 23.06.1999, air ticket boarding pass and embarkation card with an intention to go Turkmenistan. When he appeared before Munish Anand, Immigration Officer, for clearance, then the latter while checking, noticed that the arrival stamp of Raja Sansi Airport,

Amritsar dated 10.10.2001 was forged and the signature of the accused on the passport in question and the embarkation card also did not tally. On questioning, it came to light that the accused was originally Jaswinder Singh. However, the passport, issued in the name of Kanwaljit Singh Jandu, was bearing his photograph. He further disclosed that he had procured this passport through one Lakhi, travel agent, by paying a sum of Rs.2,00,000/-. He had also arranged passport, air ticket as well as ticket of Amritsar. The Immigration Officer took the aforesaid documents into possession vide a seizure memo alongwith other articles. He further sent ruqa to the police station on the basis of which FIR Ex.PB was registered against him and the investigation commenced. Completion of investigation was followed by a report under Section 173 Cr.P.C.

The accused was challaned under Sections 419, 420, 468 and 471 IPC to which he pleaded not guilty and claimed trial.

In order to substantiate the charges, the prosecution examined Munish Anand, Immigration Officer (PW1) and Asstt. Sub Inspector Iqbal Singh (PW2).

When examined under Section 313 Cr.P.C., the accused denied all the allegations and pleaded his false implication in the case.

On trial, the accused was convicted and sentenced accordingly. His appeal was also dismissed.

While opening the arguments, it has been contended by Mr.Sandeep Punchhi, counsel for the petitioner-accused that in order to establish the guilt against the accused, it was obligatory on the part of the prosecution to lead sufficient evidence for proving his complicity in the commission of crime. Except Munish Anand (PW1) and ASI Iqbal Singh

(PW2), no other witness has been examined. Even travel agent, through whom he has allegedly procured the passport and the embarkation card, has not been examined, therefore, the benefit of doubt should be extended to the accused.

To the contrary, while taking me through the judgment and the evidence, recorded by the trial Court, learned State counsel has stressed that the conviction, recorded by both the Courts below, does not suggest any such interference.

Having scrutinized the record of the case, both the Courts below have recorded the findings of fact that the accused while carrying a passport in the name of Kanwaljit Singh Jandu, over which his own photograph has been fixed, alongwith an embarkation card, went to the airport knowingfully well that he was not Kanwaljit Singh Jandu and he with an intention to go abroad, made an effort to cheat the passport authorities, presented the aforesaid documents alongwith air ticket. Both the witnesses have also consistently stated that the passport, presented by the accused, did not belong to him and his name was not Kanwaljit Singh Jandu. They have also stated that the accused dishonestly and fraudulently with a motive to travel abroad tried to throw dust in the eyes of the airport authorities. Munish Anand (PW1) reiterated the allegations, as mentioned by him in the application while testifying that the accused had revealed his name as 'Jaswinder Singh son of Mukhtiar Singh resident of village Jodha Nagri Distt. Amritsar. During his investigation, he has further stated that the accused had admitted before him that that the passport was supplied to him by one Lakhi, resident of Nakodar Road, near Marble shop, Jalandhar on payment of Rs.2,00,000/-. This prosecution version stands supported by

the statement of accused under Section 313 Cr.P.C. also wherein he has stated that his name is not Kanwaljit Singh Jandu but he is actually Jaswinder Singh. Since the forged documents had come from the possession of the accused and he, being beneficiary under the said documents, had presented the same before Munish Anand (PW1), therefore, no further evidence was required to prove the offences for which he has been charged. Without further delving deep into the evidence, it is observed that both the Courts below have appreciated the evidence in the right perspective. No such illegality much less irregularity or manifest error apparent on the record which may cause any prejudice to the accused, has been pointed out. Re-appreciation of evidence at this revisional stage is not permissible.

Resultantly, this petition, being devoid of any merit, is dismissed.

(A.N.Jindal)
Judge

18.11.2010
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